

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2025/44/91350/E
Site Address:	Mirfield Air Cadet Centre, Huddersfield Road, Mirfield, WF14 9DQ
Description:	Discharge of details reserved by condition 5 (Remediation Strategy) on previous permission 2023/93737 for erection of single storey modular building and band store with associated external alterations following demolition of two existing single storey modular buildings
Recommending Officer:	Nicole Helliwell

DECISION – REFUSE DISCHARGE OF CONDITION 5

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 10-Jul-2025

Officer Report

Reference No. 2025/44/91350/E

Site Address: Mirfield Air Cadet Centre, Huddersfield Road, Mirfield, WF14 9DQ

Proposal: Discharge of details reserved by condition 5 (Remediation Strategy) on previous permission 2023/93737 for erection of single storey modular building and band store with associated external alterations following demolition of two existing single storey modular buildings

Assessment

Condition 5 – Remediation Strategy

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: *This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.*

Assessment of Condition 5

The applicant has submitted a Remediation and Enabling Works Strategy by Murray Rix Consultancy (reference no. GS-9159942) to support the discharge of condition 5.

The document proposes remediation of the site, in particular, the removal of asbestos-containing made ground soils and the replacement with clean cover. However, KC Environmental Health do not accept the report received and as such, condition 5 must remain. There are several reasons for this decision including:

1. There is reference to gardens throughout, the permission does not include gardens, and the remediation strategy should be site specific. This should be remedied before officers can comment further on the actual proposals.
1. The proposals for the delineation and validation of the hotspots are unclear in that the number of samples proposed for the excavated area may be insufficient should this be a large excavation. These should be reconsidered.
2. The report is unclear whether imported material will be employed or site won for instance it reads: *There is limited potential for suitable topsoil material to be present on site and as such there will be a requirement to import suitable material for use within the proposed development.*

Then reads: *Topsoil whether site won or imported will require testing in line with the schedule present within Section 8 and Table 6.3.*

This should be made clear.

3. Table 6.3 does not reflect The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Verification Requirements for Cover Systems guidance. Officers therefore consider this unacceptable.

Decision Notice Text

Condition 5 – Remediation Strategy

The following has been submitted:

- Remediation and Enabling Works Strategy by Murray Rix Consultancy (reference no. GS-9159942)

KC Environmental Health do not accept the submitted information and as such Condition 5 must remain until further notice.